IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1935 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 09/09/2004 in WP No : 16049 OF 2004 on the file of the High Court.)

Between:

T. Janaki Rama Rao, S/o. Sri Mattapalli Rao,
R/o. Garidepalli Village and Mandal, Nalgonda district.

..... APPELLANT

AND

1. The Government of Andhra Pradesh, Rep. by District Collector-Nalgonda, Nalgonda District.

2. The Government of Andhra Pradesh, Rep. by its Secretary-Irrigation and Command Area Development, Secretariat, Hyderabad.
3. The Superintending Engineer, O & M Circle, Nagarjuna Sagar Left Canal, Nalgonda, Nalgonda District.
4. The Executive Engineer, Minor Irrigation Division I.B. Division, Nalgonda, Nalgonda District.

.RESPONDENTS

Counsel for the Appellant: MR.G.VIDYASAGAR

Counsel for the Respondents : GP FOR LAND ACQUISITION

The Court made the following:

JUDGMENT: (Per BRSR,J)

The order passed by the learned single Judge, in our considered opinion, does not suffer from any infirmities requiring our interference in exercise of our appellate jurisdiction.

The learned Judge rightly noticed that the Joint Collector having inspected the spot on 04-05-2004 along with the officers concerned, pursuant to the directions of this Court, submitted a report to the Collector, and the impugned order has been passed by the District Collector based on the said report, in which it is, *inter alia*, observed by the Joint Collector that as per the levels fixed by the irrigation officials, the land in question does not come under the submergence zone of the tank at full reservoir level.

However, there appears to be some controversy, whether the lands in question or part thereof comes under submergence whenever the tank over flows over and above the full reservoir level.

Suffice, it to hold that the proceedings of the District Collector do not suffer from any legal infirmities so as to be corrected by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India.

The learned single Judge rightly gave liberty to the appellant herein, in case, if he is still aggrieved, to avail such remedies as may be available to him in law seeking recovery of damages, for which purpose appropriate evidence is to be produced, and if the appellant avails any such remedy, the same may have to

be considered on its own merits uninfluenced by the observations, if any, made in this order as well as in the order passed by the learned single Judge.

The writ appeal fails and shall accordingly stand dismissed.

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B. SUDERSHAN REDDY, J.

Date:21.02.2005.

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C.V. RAMULU, J.

GS/GJ

To

1. The District Collector-Nalgonda, Nalgonda District.

2. The Secretary, Government of Andhra Pradesh,
Irrigation and Command Area
Development, Secretariat, Hyderabad.

3. The Superintending Engineer, O & M Circle,
Nagarjuna Sagar Left Canal, Nalgonda, Nalgonda District.

4. The Executive Engineer, Minor Irrigation Division
I.B. Division, Nalgonda, Nalgonda District.

5. Two CCs to the Government Pleader for Land Acquisition,
High Court of A.P., Hyderabad (OUT)

6. Two C.D. copies